

Message Text

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PAGE 01 STATE 171134
ORIGIN EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-07
L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15
USIA-06 FCSC-01 /060 R

DRAFTED BY EUR/EE:IMSILINS:AP
APPROVED BY EUR:GVEST
L/C:FKWIATEK
EUR/EE:CWSCHMIDT

-----028104 220154Z /70

P 220019Z JUL 77
FM SECSTATE WASHDC
TO AMEMBASSY BUCHAREST PRIORITY

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E.O. 11652: N/A

TAGS: CPRS, RO

SUBJECT:ROMANIAN DEMARCHE ON UNGUREANU CLAIM

REF: BUCHAREST 5348

1. AMBASSADOR NICOLAE CALLED ON ASSISTANT SECRETARY VEST
JULY 18 ON INSTRUCTIONS TO MAKE DEMARCHE ON
UNGUREANU CASE. READING FROM TALKING PAPER (WHICH HE
DID NOT LEAVE BEHIND) NICOLAE SAID THAT ACTIONS OF
"FUGITIVE" UNGUREANU ARE CONTRARY TO EXISTING GOOD
RELATIONS BETWEEN ROMANIA AND US; THAT US COURTS HAVE NO
JURISDICTION OR COMPETENCE IN THE MATTER AND ANY
JUDICIAL CONSIDERATION THEREOF CONSTITUTES AN INTERFERENCE
IN DOMESTIC ROMANIAN AFFAIRS; THAT UNGUREANU'S APPEAL OF
THE ORDER VACATING THE ATTACHMENT OF THE ROMANIAN UN
MISSION HAS A "PROVOCATIVE CHARACTER;" AND THAT
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UNGUREANU HAS COMMITTED "PENAL OFFENSES" AND IS UNDER
INVESTIGATION BY THE ROMANIAN JUDICIAL SYSTEM. NICOLAE
CONCLUDED BY EXPRESSING HOPE THAT THE US WILL APPRECIATE
THE POLITICAL ASPECTS OF THE MATTER AND TAKE THE
NECESSARY STEPS.

2. VEST REPLIED THAT THE DEPARTMENT CANNOT, UNDER THE

CONSTITUTION, INTERFERE IN THE JUDICIAL PROCESS BY ATTEMPTING TO STOP UNGUREANU FROM FILING A SUIT IN US COURTS OR APPEALING AN ADVERSE DECISION. IN LEGAL DISCUSSION WHICH FOLLOWED (WITH KWIATEK OF L PARTICIPATING), NICOLAE AND CONSUL EDU WERE REMINDED THAT WE HAVE REPEATEDLY ASKED GOR TO DOCUMENT ITS CLAIM THAT ORGHIDAN ESTATE WAS TAKEN BY THE ROMANIAN GOVERNMENT BEFORE UNGUREANU BECAME AN AMERICAN CITIZEN. DEPARTMENT HAS NOT SO FAR TAKEN A POSITION ON MERITS OF CASE BECAUSE OF INSUFFICIENT DOCUMENTATION. VEST SAID THAT NO MORE THAN THE GOR DID WE WISH THIS MATTER TO TROUBLE OUR BILATERAL RELATIONS, BUT WE CANNOT INTERFERE WITH THE COURT PROCESS AND WE HAVE AN OBLIGATION TO SETTLE LEGALLY VALID CLAIMS OF NATIONALS OF THE U.S. AGAINST FOREIGN GOVERNMENTS.

3. NICOLAE SAID HE BELIEVES UNGUREANU AND ATTORNEYS HAVE LOST HOPE OF WINNING CASE ON MERITS AND ARE THEREFORE ATTEMPTING TO TRANSFORM IT INTO A POLITICAL PROBLEM. AS EXAMPLE, HE REFERRED TO JULY 18 TESTIMONY ON UNGUREANU CLAIM AT HOUSE MFN HEARING (SEPTTEL). HE SAID UNGUREANU'S ATTORNEYS HAVE THREATENED TO ATTEMPT TO ATTACH TAROM AIRCRAFT OR ROMANIAN SHIPS CALLING IN US PORTS IF ATTACHMENT OF UN MISSION BUILDING FAILS. HE WAS TOLD THIS IS POSSIBLE UNDER US LAW; QUESTION REGARDING LEGALITY OF ATTACHMENT IS FOR JUDICIAL DETERMINATION AND THERE IS NOTHING DEPARTMENT CAN DO TO PREVENT FURTHER ATTACHMENT. LIMITED OFFICIAL USE

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MENT OR JUDICIAL DETERMINATION OF MERITS OF CASE.

4. AT CONCLUSION OF MEETING, NICOLAE THANKED VEST FOR DEPARTMENT'S SUPPORT ON MFN AND SAID HE LOOKS FORWARD TO FUTURE MEETINGS.

5. ACTION REQUESTED: DURING NEXT REGULARLY SCHEDULED MEETING AT CONSULAR DIRECTORATE, EMBASSY SHOULD REMIND MFA OF OUR REPEATED REQUESTS FOR FURTHER DOCUMENTATION. (NICOLAE AND EDU DID NOT HOLD OUT MUCH PROMISE THIS WILL BE FORTHCOMING.) VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Sent Date: 22-Jul-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE171134
Document Source: CORE
Document Unique ID: 00
Drafter: IMSILINS:AP
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770260-0667
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770728/aaaaaydp.tel
Line Count: 105
Litigation Code IDs:
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Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 66b85b65-c288-dd11-92da-001cc4696bcc
Office: ORIGIN EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 BUCHAREST 5348
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 09-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1774384
Secure: OPEN
Status: NATIVE
Subject: ROMANIAN DEMARCHE ON UNGUREANU CLAIM
TAGS: CPRS, RO, (UNGUREANU)
To: BUCHAREST
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/66b85b65-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009